

OCT. 15. 2004 3:29PM

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OCT 15 2004

NO. 1177 P. 1

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FAX

Date: October 15, 2004

Pages (including cover): _!_

To: **OFFICIAL PATENT
APPLICATION RELATED
CORRESPONDENCE**

Fax: 703-872-9306

From: Raymond Van Dyke, #34,746

Docket No.: 031896-52000

Message: The following document(s) are being presented for facsimile filing in the United States Patent and Trademark Office:

1. Transmittal and Fee Transmittal
2. NOTICE OF APPEAL (Original plus one copy)
3. Permission to charge Deposit Account No. 19-2380 in the amount of \$340.00, representing Notice of Appeal filing fee -- \$340.00

In re PATENT Application of

Inventor(s): Edward R. LAVALLIE *et al*

Filed: October 15, 1997

Serial No.: 08/949,904

For: HUMAN SDF-5 PROTEIN AND COMPOSITION ;

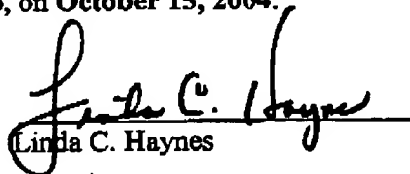
Due Date: October 16, 2004

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Signature:

Name: Linda C. Haynes



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PTO/SB/21 (08-00)

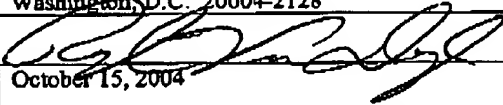
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

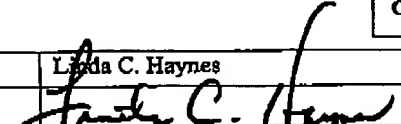
OMB 0651-0031

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| | | | |
|--|--|------------------------|------------------------|
| TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i> | | Application Number | 08/949,904 |
| | | Filing Date | October 15, 1997 |
| | | First Named Inventor | Edward R. LA'ALLIE |
| | | Group Art Unit | 1801 |
| | | Examiner Name | S. UNGAR |
| Total Number of Pages in This Submission | | Attorney Docket Number | 031896-52000 (GL5288B) |

| ENCLOSURES (check all that apply) | | |
|--|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Declaration and Power of Attorney <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) | <input type="checkbox"/> After Allowance Communication to Group <input checked="" type="checkbox"/> Other Notice of Appeal |
| Remarks | <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 19-2380 for the above identified docket number. | |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | |
|--|---|
| Firm or Individual name | <u>Raymond Van Dyke, Reg. No. 34,746</u> Nixon Peabody LLP 401 9 th Street, N.W. Suite 900 Washington, D.C. 20004-2128 |
| Signature |  |
| Date | October 15, 2004 |

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| | October 15, 2004 |
| Type or printed name | Linda C. Haynes |
| Signature |  |
| Date | October 15, 2004 |

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W327730.1

FEE TRANSMITTAL FOR FY 2004

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 340)

Complete if Known

| | |
|----------------------|------------------------|
| Application Number | 08/949,904 |
| Filing Date | October 15, 1997 |
| First Named Inventor | Edward R. LAVALLIE |
| Examiner Name | S. UNGAR |
| Art Unit | 1801 |
| Attorney Docket No. | 031896-52000 (GI5288E) |

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account

Deposit Account Number
19-2380

Deposit Account Name
Nixon Peabody LLP

The Commissioner is authorized to: (check all that apply)

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☒ Charge any additional fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity Fee Code | Large Entity Fee (\$) | Small Entity Fee Code | Small Entity Fee (\$) | Fee Description | Fee Paid |
|-----------------------|-----------------------|-----------------------|-----------------------|------------------------|----------|
| 1001 | 790 | 2001 | 395 | Utility filing fee | |
| 1002 | 350 | 2002 | 175 | Design filing fee | |
| 1003 | 550 | 2003 | 275 | Plant filing fee | |
| 1004 | 790 | 2004 | 395 | Reissue filing fee | |
| 1005 | 160 | 2005 | 80 | Provisional filing fee | |

SUBTOTAL (1) (\$ 0)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| 20** | X | 0 | 0 |
| Independent Claims | 3** | X | 0 |
| Multiple Dependent | X | 0 | 0 |

| Large Entity Fee Code | Large Entity Fee (\$) | Small Entity Fee Code | Small Entity Fee (\$) | Fee Description |
|-----------------------|-----------------------|-----------------------|-----------------------|--|
| 1202 | 18 | 2202 | 9 | Claims in excess of 20 |
| 1201 | 88 | 2201 | 44 | Independent claims in excess of 3 |
| 1203 | 300 | 2203 | 150 | Multiple dependent claim, if not paid |
| 1204 | 88 | 2204 | 44 | ** Reissue independent claims over original patent |
| 1205 | 18 | 2205 | 9 | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$ 0)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| Large Entity Fee Code | Large Entity Fee (\$) | Small Entity Fee Code | Small Entity Fee (\$) | Fee Description |
|-----------------------|-----------------------|-----------------------|-----------------------|--|
| 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or cash |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet |
| 1053 | 130 | 2053 | 130 | Non-English specification |
| 1812 | 2,320 | 1812 | 2,520 | For filing a request for <i>ex parte</i> reexamination |
| 1804 | 920* | 1804 | 920* | Requesting publication of SIR prior to Examiner action |
| 1805 | 1,840* | 1805 | 1,840* | Requesting publication of SIR after Examiner action |
| 1251 | 110 | 2251 | 55 | Extension for reply within first month |
| 1252 | 430 | 2252 | 215 | Extension for reply within second month |
| 1253 | 980 | 2253 | 490 | Extension for reply within third month |
| 1254 | 1,530 | 2254 | 765 | Extension for reply within fourth month |
| 1255 | 2,080 | 2255 | 1,040 | Extension for reply within fifth month |
| 1401 | 340 | 2401 | 170 | Notice of Appeal |
| 1402 | 340 | 2402 | 170 | Filing a brief in support of an appeal |
| 1403 | 340 | 2403 | 190 | Request for oral hearing |
| 1451 | 1,510 | 1451 | 1,510 | Petition to institute a public use proceeding |
| 1452 | 110 | 2452 | 55 | Petition to revive - unavoidable |
| 1453 | 1,370 | 2453 | 685 | Petition to revive - unintentional |
| 1501 | 1,370 | 2501 | 685 | Utility issue fee (or reissue) |
| 1502 | 490 | 2502 | 245 | Design issue fee |
| 1503 | 660 | 2503 | 330 | Plant issue fee |
| 1460 | 130 | 1460 | 130 | Petitions to the Commissioner |
| 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR 1.17(a) |
| 1806 | 180 | 1806 | 180 | Submission of Information for Closure Status |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of properties) |
| 1809 | 790 | 2809 | 395 | Filing a submission after final rejection (37 CFR 1.129(e)) |
| 1810 | 790 | 2810 | 395 | For each additional invention to be examined (37 CFR 1.129(b)) |
| 1801 | 790 | 2801 | 395 | Request for Continued Examination (RCE) |
| 1802 | 900 | 1802 | 900 | Request for expedited examination of a design application |

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 340)

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October 15, 2004

Date

John C. Hayes
Signature
John C. Hayes
Typed or printed name

SUBMITTED BY

Name (Print/Type) Raymond Van Dyke
Signature *Raymond Van Dyke*

Registration No. 34,746
(Attorney/Agent)

Complete if applicable

Telephone (202) 585-8000

Date October 15, 2004

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NO. 1177 P. 4

OCT 15 2004

Docket No. 031896-52006 (GI5288B)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Edward R. LAVALLIE *et al.*

Serial No. 08/949,904

Filed: October 15, 1997

For: HUMAN SDF-5 PROTEIN AND
COMPOSITIONS

)
) Group Art Unit: 1801
) Examiner: S. UNGAR
) Confirmation No.: N/A
) Date: October 15, 2004

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[37 CFR 1.8(a)]

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Signature:

Name: Linda C. Haynes

NOTICE OF APPEAL

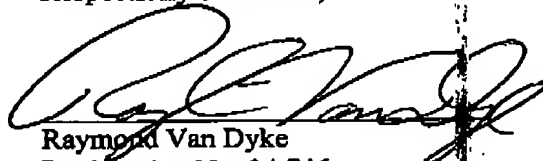
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby appeal to the Board of Appeals from the decision dated July 16,
2004 of the Examiner rejecting claims 18, 19, 22, 23 and 33.

Applicants hereby authorize the charging of the fee of \$340.00 and any additional fees
and crediting the overpayment to Deposit Account 19-2380, and for this purpose we enclose
a duplicate copy of this Notice.

Respectfully submitted,


Raymond Van Dyke
Registration No. 34,746

NIXON PEABODY LLP
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OCT 15 2004
Docket No. 031896-52001 (GI5288B)

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| | |
|---|--------------------------|
| In re Patent Application of: |) |
| Edward R. LAVALLIE <i>et al.</i> |) Group Art Unit: 1801 |
| Serial No. 08/949,904 |) Examiner: S. UNGAR |
| Filed: October 15, 1997 |) Confirmation No.: N/A |
| For: HUMAN SDF-5 PROTEIN AND COMPOSITIONS |) Date: October 15, 2004 |

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[37 CFR 1.8(a)]

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Signature:

Name:

Linda C. Haynes

NOTICE OF APPEAL

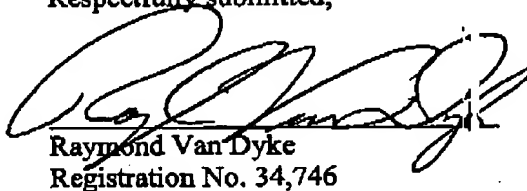
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